



12-11-03

[Handwritten signature]

Docket No.: 59801 (47793)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Masahiro Kimuar, et al.
U.S.S.N. 10/649,578 Group No.: 2621
Filed: August 26, 2003 Examiner: Not Yet Assigned
For: A DATA TRANSFERRING APPARATUS FOR TRANSFERRING
LIQUID EJECTION DATA AND A LIQUID EJECTING APPARATUS

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**COMPLETION OF FILING REQUIREMENTS
— NONPROVISIONAL APPLICATION —**

(check and complete this item, if applicable)

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed from the patent office on November 17, 2003.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

- ☒ A copy of the Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) is enclosed.

NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.

CERTIFICATE OF EXPRESS MAILING (37 C.F.R. § 1.10)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING (LABEL NO.: EV 317947692 US)

FACSIMILE

- ☒ deposited with the United States Postal Service with sufficient postage as U.S. mail in an envelope addressed to the Commissioner for Patents, Mail Stop MISSING PARTS, Box 1450, Alexandria, VA 22313-1450.

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: December 9, 2003

Signature

Nicole M. McKinnon
Nicole M. McKinnon

DECLARATION OR OATH

II. ☒ Enclosed is the executed declaration or oath for this application.

NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).

OR

☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. § 1.63:

"(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);

"(2) name of inventor(s), serial number and filing date;

"(3) name of inventor(s) and attorney docket number which was on the specification as filed;

"(4) name of inventor(s), title which was on the specification as filed and filing date;

"(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

Notice of Jul. 13, 1995 (1177 O.G. 60); M.P.E.P. § 601.01(a), 6th ed., rev. 3.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).

(complete (c) or (d), if applicable)

Attached is a

(c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.

(d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT CANCELLING CLAIMS

III. ☐ Cancel claims _____ inclusive.

TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

NOTE: For fee processing a non-English application, complete item VI(5) below.

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. § 1.69(b).

NOTE: The translation for a regular application filed in a foreign language must be verified. 37 C.F.R. § 1.52(d).

SMALL ENTITY STATUS

V. ☐ A statement that this filing is by a small entity
(check and complete applicable items)

☐ is attached.

☐ A separate refund request accompanies this paper.

☐ was filed on _____ (original).

COMPLETION FEES

VI.

WARNING: Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. § 1.53.

1. Filing fee

☐ original patent application
(37 C.F.R. § 1.16(a)--\$760.00; small entity--\$380.00) \$ _____

☐ design application
(37 C.F.R. § 1.16(f)--\$310.00; small entity--\$155.00) \$ _____

2. Fees for claims

☐ each independent claim in excess of 3
(37 C.F.R. § 1.16(b)--\$78.00; small entity--\$39.00) \$ _____

☐ each claim in excess of 20
(37 C.F.R. § 1.16(c)--\$18.00; small entity--\$9.00) \$ _____

☐ multiple dependent claim(s)
(37 C.F.R. § 1.16(d)--\$260.00; small entity--\$130.00) \$ _____

3. Surcharge fees

☐ late payment of filing fee
(37 C.F.R. § 1.16(e)--\$130.00; small entity--\$65.00) \$ _____

and/or

☒ late filing of original declaration or oath
(37 C.F.R. § 1.16(e)--\$130.00; small entity--\$65.00) \$ 130.00

NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.

NOTE: If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid. 37 C.F.R. § 1.16(e).

4. ☐ Petition and fee for filing by other than
all the inventors or a person not the inventor
(37 C.F.R. §§ 1.17(i) and 1.47--\$130.00) \$ _____

5. ☐ Fee for processing an application filed with
a specification in a non-English language
(37 C.F.R. §§ 1.17(k) and 1.52(d)--\$130.00) \$ _____

6. ☐ Fee for processing and retention of application
(37 C.F.R. §§ 1.21(l) and 1.53(d)--\$130.00) \$ _____

7. ☒ Assignment (See "ASSIGNMENT COVER SHEET") \$ 40.00

NOTE: 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as, the changes to 37 C.F.R. § 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either

the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under § 1.53(f) must be paid.

TOTAL COMPLETION FEES \$ 170.00

EXTENSION OF TIME

VII.

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$190.00
<input type="checkbox"/> three months	\$ 870.00	\$435.00
<input type="checkbox"/> four months	\$1,360.00	\$680.00

Fee \$ 00.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VIII.

THE TOTAL FEE DUE IS

COMPLETION FEE(S)	\$ <u>170.00</u>
EXTENSION FEE (IF ANY)	\$ _____
TOTAL FEE DUE	\$ <u>170.00</u>

PAYMENT OF FEES

IX.

- ☒ Enclosed is a check in the amount of \$ 170.00.
- ☐ Charge Account No. _____ in the amount of \$ _____.
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).

Please change Account No. 04-1105 for any fees which may be due by this paper.

AUTHORIZATION TO CHARGE ADDITIONAL FEES

X.

WARNING: *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

- ☐ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 04-1105.

- ☐ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
☐ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. § 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a).
- ☐ 37 C.F.R. § 1.17 (application processing fees)

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).


- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

Respectfully submitted,

Date: December 9, 2003
Customer No. 21874



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357495



Declaration and Power of Attorney For US Patent Application

米国特許出願のための宣言書及び委任状

Japanese and English Language Declaration

日本語および英語による宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

私の住所、私書箱、及び国籍は私の氏名の後に記載された通りです。

下記の名称の発明に関して特許請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者(下記の氏名が一つの場合)又は最初の共同発明者(下記の氏名が複数の場合)であると信じています。

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

A DATA TRANSFERRING APPARATUS FOR TRANSFERRING LIQUID EJECTION DATA AND A LIQUID EJECTING APPARATUS

☐ 上記発明の特許明細書は本書に添付されています。

☒ 上記発明は、2003年8月26日

に出願されており、

米国出願番号またはPCT国際出願番号が

10/649, 578

であり、____年____月____日に補正されました。

☐ the specification of which is attached hereto.

☒ the specification of which was filed on

Aug. 26, 2003

as United States Application Number or PCT International Application Number,

10/649, 578

and was amended on

if applicable.

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編第1.56条に定義されたとおり、特許性の有無に関して重要な情報を開示する義務があることを認めます。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37. Code of Federal Regulations. Section 1.56.

外国出願:

私は米国法典第35編第119条 (a)-(d) 項又は365条 (b) 項に基き、下記の、外国での特許出願もしくは発明者証の出願に基づく外国優先権をここに主張します。また下記のボックスをチェックすることにより、優先権主張の基礎とした出願よりも出願日が早い、他の外国特許出願、発明者証出願、又はPCT国際出願を示します。

米国出願:

私は下記の米国法典第35編120条に基いて下記の米国特許出願の利益、又は米国を指定している特許協力条約365条 (c) の利益をここに主張します。また、本出願の各請求項の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国特許出願に開示されていない限り、その先の出願の出願日と本米国内出願日または本国際出願日との間に入手された、連邦規則法典第37編第1.56条で定義された特許性の有無に関する重要な情報を開示する義務があることを認識しています。

米国の仮出願:

私は第35編米国法典第119条 (e) 項に基いて下記の米国仮特許出願の利益をここに主張いたします。

Foreign Application(s):

I hereby claim foreign priority under Title 35, United States Code, Section 119(a)-(d) or 365(b) of foreign application(s) for patent or inventor's certificate and have also identified below by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

US Application(s):

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any pending PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

US Provisional Application(s):

I hereby claim the benefit under Title 35 United States Code, Section 119(e) of any United States provisional application(s), listed below.

優先権主張無し

Priority Not Claimed

- ☐ JP 2003-190388 filed on July 2, 2003
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

私は、私自身の知識についてここで行なった表明が真実であり、かつ情報及び私の確信について行った全ての表面が真実であり、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金もしくは拘禁、またはそれらの両方により処罰されること、そしてそのような故意による虚偽の声明を行なえば、出願し又は既に許可された特許の有効性が失われることを認識した上で上記の表面が行われたことを宣誓致します。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

私は下記の発明者として、本出願及び本出願によって得られる特許に関する一切の手続を個人名又は事務所名によって米特許商標局に対して遂行する代理人として下記の事務所(全ての連絡の宛先)及び下記の事務所にUSPTOにおいて関連付けられている人を指名します。私は、下記事務所のカスタマー番号に下記事務所の新たな人を追加し、提示される指示を信頼して行動し、連絡を直接行う権限を認めます。

As a named inventor, I hereby appoint the following firm (to whom all communications are to be directed), and persons of that firm who are associated with that firm at USPTO, individually and collectively to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to add new persons of that Firm to the Customer No. of the firm, and to act and rely on instructions from and communicate directly with disclosure to be represented.

CustomerNo. 21874
Mr. John J. Penny Jr.
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- (1) Residence
(2) Citizenship
↓ (3) Post Office Address

1) <u>Masahiro Kimura</u>	<u>10/30/03</u>	(1) Nagano-ken, Japan (2) Japan (3) c/o Seiko Epson Corporation 3-5, Owa 3-chome, Suwa-shi, Nagano-ken, Japan
Name: Masahiro KIMURA	Date	
2) <u>Yasunori Fukumitsu</u>	<u>10/30/03</u>	(1) Nagano-ken, Japan (2) Japan (3) c/o Seiko Epson Corporation 3-5, Owa 3-chome, Suwa-shi, Nagano-ken, Japan
Name: Yasunori FUKUMITSU	Date	
3) _____	_____	(1) (2) (3)
Name: _____	Date	
4) _____	_____	(1) (2) (3)
Name: _____	Date	
5) _____	_____	(1) (2) (3)
Name: _____	Date	
6) _____	_____	(1) (2) (3)
Name: _____	Date	
7) _____	_____	(1) (2) (3)
Name: _____	Date	
8) _____	_____	(1) (2) (3)
Name: _____	Date	